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PATENT
Docket No.: MV/FT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : P. Toomey
Application No. : 09/904,348
Filed : July 12, 2001
Examiner: : Douglas N. Washburn
Group Art Unit : 2863
For : SYSTEM AND METHODS FOR DETECTING FAULT
IN STRUCTURE

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OFFICE OF PETITIONS

RENEWED PETITION TO REVIVE UNDER 37 CFR 1.137(b)

DELAY UNINTENTIONAL AND AMENDMENT AFTER FINAL

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Attn: Examiner Washburn:

The above-identified application became abandoned due to prior counsel's failure to file a timely and proper reply to the Office Action mailed on October 23, 2002. Applicant received a Notice of Abandonment on or about August 1, 2003, and later forwarded the file to the undersigned and requested that it be reviewed and revived. The undersigned filed a Petition to Revive under 37 CFR 1.137(b) on November 25, 2003. The Examiner told the undersigned via telephone on December 15, 2003 and indicated that the Office Action of October 23, 2002 incorrectly indicated that claim 82 was allowable if rewritten in independent form. Accordingly, the undersigned submitted a supplementary amendment canceling claims 64-93 to put the application in condition for allowance.

04/07/2004 MGBREH2 00000002 09904348

01 FC:2453

665.00 OP

04/07/2004 MGBREH2 00000002 09904348

55.00 OP

02 FC:2251

OK TO ENTER UPON REVIVAL 30 June 04

The petition of November 25, 2003 was dismissed on February 4, 2004, since the amendment submitted did not *prima facie* place the application in condition for allowance. The Examiner told the undersigned via telephone on December 15, 2003 and indicated that the Office Action of October 23, 2002 incorrectly indicated that claim 82 was allowable if rewritten in independent form. Accordingly, the undersigned submitted a supplementary amendment canceling claims 64-93 to put the application in condition for allowance. It appears from the courtesy copy of the Examiner's PTOL-303, that the supplementary amendment was not received and entered. The Dismissal of the November 25, 2003 petition provided that a request for reconsideration of the petition must be submitted by April 5, 2004.

In response to the Office Action mailed on October 23, 2002, the undersigned states that the entire delay in filing the required reply, from April 23, 2003 to the renewing of this petition to revive under 37 CFR 1.137(b) and amendment was unintentional. Applicant hereby petitions for revival of the above-identified application and encloses the required response. The small entity petition fee of \$665 is also enclosed herewith. If this second petition fee is not required, please refund it to the undersigned. Applicant has claimed small entity status. Since this utility patent application was filed after June 8, 1995, no terminal disclaimer is required.

The undersigned further requests the following amendments to the specification and the claims.

Amendments to the claims begin on page 3 of this paper.

Remarks begin on page 10 of this paper.